

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

HORIZON CELLULAR TELEPHONE COMPANY OF SPENCER,)	
L.P., A DELAWARE LIMITED PARTNERSHIP, FOR)	
ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO PROVIDE DOMESTIC PUBLIC)	
CELLULAR RADIO TELECOMMUNICATIONS SERVICE TO)	
THE PUBLIC IN THE KENTUCKY RURAL SERVICE AREA)	
WHICH INCLUDES SPENCER, NELSON, ANDERSON)	CASE NO.
HARDIN, WASHINGTON, MERCER, LARUE, MARION,)	92-485
GREEN AND TAYLOR COUNTIES IN KENTUCKY;)	
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY TO CONSTRUCT A CELL SITE IN)	
ELIZABETHTOWN, KENTUCKY; AND FOR ESTABLISHMENT)	
OF INITIAL RATES)	

O R D E R

On November 16, 1992, Horizon Cellular Telephone Company of Spencer, L.P. ("Horizon Cellular") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications system for Rural Service Area No. 4 ("RSA No. 4") and for the approval of initial rates. RSA No. 4 includes Anderson, Green, Hardin, Larue, Marion, Mercer, Nelson, Spencer, Taylor, and Washington counties. Horizon Cellular has requested authorization to construct a cell site in Hardin County.

The proposed cell site consists of a 395-foot or less guyed antenna tower to be located on Springfield Road, Elizabethtown, Kentucky ("the Elizabethtown cell site"). The coordinates for the Elizabethtown site are North Latitude 37° 41' 54" by West Longitude 85° 49' 15".

Horizon Cellular has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Elizabethtown cell site. Based upon the application, the tower and foundation design appears to meet the criteria of the Building Officials and Code Administrators International, Inc. National Building Code with reference to earthquakes, winds, and tornadoes.

Pursuant to KRS 100.324(1), the Elizabethtown cell site's construction is exempt from local zoning ordinances. Horizon Cellular has filed applications with the Federal Communications Commission ("FCC"), the Federal Aviation Administration ("FAA"), and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the Elizabethtown cell site. Horizon Cellular has received approval from the FCC, while the KAZC and FAA have yet to take action.

Horizon Cellular has filed notices verifying that each property owner and/or resident within 500 feet of the Elizabethtown cell site has been notified of the pending construction. The notice solicited any comments and informed the property owner and/or resident of their right to intervene. To date, no intervention requests have been received.

Horizon Cellular's application provides information on the financial, technical, and managerial capabilities of its organization. The proposed tariff presents rates which should be approved as the fair, just, and reasonable rates to be charged.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Horizon Cellular should notify the Commission if it does not use this antenna tower to provide cellular radio telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Horizon Cellular.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Horizon Cellular should be granted a Certificate of Public Convenience and Necessity to construct and operate the Elizabethtown cell site in RSA No. 4 under its approved tariff.

IT IS THEREFORE ORDERED that:

1. Horizon Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to operate a cellular telecommunications system in RSA No. 4.

2. Horizon Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a 395-foot or less guyed cellular radio telecommunications antenna tower in RSA No. 4 to be located on Springfield Road, Hardin County, Elizabethtown, Kentucky. The coordinates for the

Elizabethtown cell site are North Latitude 37° 41' 54" by West Longitude 85° 49' 15".

3. The rates proposed in Horizon Cellular's tariff be and they hereby are approved.

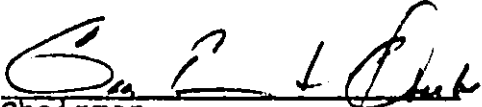
4. Horizon Cellular shall file a copy of the final decisions regarding its pending FAA and KAZC applications for this cell site construction within 10 days of receiving these decisions.

5. Horizon Cellular shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

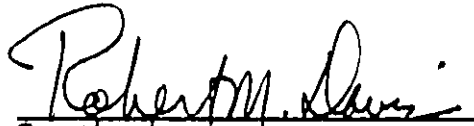
6. Within 30 days from the date of this Order, Horizon Cellular shall file its tariff setting forth the rates approved herein and its rules and regulations in accordance with 807 KAR 5:011.

Done at Frankfort, Kentucky, this 8th day of March, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director